

SECTION M

EVALUATION FACTORS FOR AWARD

M.1 EVALUATION OF PROPOSALS

The issuance of this Task Order is being conducted pursuant to Section H.14, EMCBC-H-1005 Ordering Procedures, of the Basic Contract and FAR Part 16. DOE has established a technical evaluation team to evaluate the proposals submitted for this RTP. The instructions set forth in Section L are designed to provide guidance to the contractor concerning the documentation that will be evaluated. The contractor must furnish adequate and specific information in its response. Any exceptions, deviations, or conditional assumptions to the terms of this RTP, unless specifically requested in the RTP, may make the proposal unacceptable. A task proposal will be eliminated from consideration if the proposal is so grossly and obviously deficient as to be totally unacceptable.

Prior to issuance of the Task Order, a determination shall be made whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful contractor (including any teaming partners and major subcontractors) or whether there is little or no likelihood that such conflict exists. An award will be made if there is no OCI or if any potential OCI can be appropriately avoided or mitigated.

M.2 BASIS FOR ISSUANCE OF TASK ORDER

In accordance with Section H.14(e)(2)a, Best Value with Technical Merit Substantially More Important than Cost/Price, the government intends to award one Task Order to the contractor whose proposal is evaluated as representing the greatest (best) value to the government. Selection of the greatest (best) value to the government will be based upon the evaluation of the selection factors in M.4 and M.5.

M.3 OVERALL RELATIVE IMPORTANCE OF TECHNICAL EVALUATION CRITERIA

- (a) The proposals will be evaluated using information submitted by the contractors on the three factors listed below. Criteria 1, 2, and 3 are of equal importance .
 - (1) Technical Approach
 - (2) Key Personnel and Organization
 - (3) Past Performance
- (b) In determining the best value to the government, all evaluation criteria, other than price, when combined, are significantly more important than price. The government is more concerned with obtaining a superior technical proposal than making an award at the lowest price. However, the government will not make an award at a price premium that it considers disproportionate to the benefits associated with the evaluated superiority of one proposal over another.

M.4 TECHNICAL EVALUATION

Evaluation Criteria 1 through 3 constitute the Evaluation Criteria for the Technical Proposal. Corresponding proposal preparation instructions are in Section L. The technical proposal will be evaluated using adjectival ratings and will be evaluated in accordance with the following criteria:

(a) Criterion 1 – Technical Approach

DOE will evaluate the depth, quality, completeness, effectiveness and reasonableness of the contractor's technical approach for the major PWS activities (i.e., Task Order Transition, Facility/Ground Maintenance, Excavation and Handling at Moab, Transportation, Crescent Junction Operations, and Project Support) to meet the purpose and objectives of Section C.1.3 within the existing funding restrictions and regulatory framework. The Record of Decision was amended on February 29, 2008, to increase the flexibility to relocate the RRM using rail or truck. DOE is sensitive to the strong stakeholder desire that the majority of the RRM be transported by rail and the continued utilization of the basic approach and infrastructure. DOE will evaluate the contractor's approach to planning and integrating the PWS requirements. DOE will evaluate the identification of the risks and impacts to the proposed approach; rationale for the identified risks and impacts; and the approach to eliminate, avoid, or mitigate these risks. DOE will evaluate the realism of the detailed integrated schedule including the critical path schedule.

(b) Criterion 2 – Key Personnel and Organization

DOE will evaluate the contractor's proposed Program Manager and two other proposed Key Personnel's suitability relative to the proposed position and experience on work similar to that described in the PWS. DOE will evaluate Key Personnel resumes based on education, leadership and relevant experience. In evaluating the Key Personnel, the Program Manager will be considered more important than other proposed Key Personnel.

Contractors are advised that the government may contact any or all references and other sources including those not provided by the contractor. The DOE reserves the right to use any information received as part of its evaluation of the Key Personnel. Contractors who do not submit a signed Letter of Commitment from each proposed Key Person may be ineligible for award without discussion. Failure to submit Letters of Commitment may result in the contractor receiving a lower rating.

DOE will evaluate the contractor's organization and its rationale for its proposed organizational structure to execute the PWS requirements. DOE will evaluate the contractor's proposed organizational structure, including roles, responsibilities, authorities, lines of communication, and interfaces with DOE, the TAC, and others. Additionally, DOE will evaluate the contractor's team member's (i.e., corporate entities) ability to perform corporate reach-back.

(c) Criterion 3 – Past Performance

DOE will evaluate the contractor, major subcontractors (excluding Union Pacific) and each member of its joint ventures, LLC or other teaming arrangements ESH&Q past performance information.

DOE will evaluate relevant past performance information for the contractors and major subcontractors. The evaluation may include evaluation of contracts similarity in size, scope and complexity to this requirement using information that is readily available to DOE either furnished by the contractor, customers, and/or information attained from other sources. DOE may query available government databases, government and commercial references submitted by the contractor and the past performance questionnaires received from the references of the contractor. Other sources may include, but not be limited to, interviews with technical personnel, Contracting Officer's, and other available data.

Past performance will be weighed in accordance with the proportion of work proposed to be performed by the prime contractor and subcontractors. More relevant past performance will be weighed more heavily than less relevant past performance. For contractors without a record of relevant past performance, or for whose past performance information is not available, the contractor will not be evaluated favorably or unfavorably.

As past performance information is proprietary source selection information, the Government will only discuss past performance information directly with the prospective prime contractor, team member or subcontractor that is being reviewed. If there is a problem with a proposed subcontractor's or team member's past performance, the prime can be notified of a problem, but no details will be discussed without the subcontractor's permission.

M.5 Cost and Fee (Evaluated through Written Proposal Information)

The Cost and Fee Proposal will not be adjectivally rated, but it will be considered in the overall evaluation of proposals in determining the best value to the government. The Most Probable Cost and Fee for CLIN 0001 and CLIN 0002, and the Total Proposed Price for CLINs 0003, 0004, and 0005 will be added together to compute the overall evaluated price for the task order and used in determining the best value to the government.

DOE will compare the evaluated price (total for CLINs 0001 through 0003) to the anticipated funding availability as set forth in Section B for both the total anticipated contract funding and the anticipated funding by fiscal year. Since the funding is subject to change based on actual appropriation and actual award date of the contract, DOE may make an award to a contractor whose evaluated price differs from the anticipated funding profile provided in Section B.

For CLIN 0001 and CLIN 0002 (Cost Plus Award Fee):

DOE will evaluate the contractor's cost proposal for realism and reasonableness. The evaluation will result in the determination of a Most Probable Cost for each contractor. The evaluation of cost realism includes an analysis of specific elements of each

contractor's proposed cost to determine whether the proposed estimated cost elements are realistic for the work to be performed; reflect a clear understanding of the requirements; and are consistent with the methods of performance and materials described in the contractor's technical proposal. The evaluation of cost reasonableness includes those considerations described in FAR subpart 31.2 and consistency with the anticipated funding profile in Section B. Based on its review, DOE will determine a most probable cost to the government.

The most probable cost will be calculated by adding the following evaluated cost together: contract transition cost and base period cost. The Proposed Fee will consist of adding the proposed base fee and award fee.

The contractor has the responsibility to fully document its cost proposal and provide clear traceability to the PWS. DOE may adjust evaluated price as part of its cost realism analysis if the contractor does not adequately provide this documentation and traceability.

For CLINs 0003, 0004, and 0005 (Firm Fixed Unit Price):

DOE will evaluate each contractor's proposed unit rate/price, as well as, the total price to assess price reasonableness, price realism and completeness. The price reasonableness evaluation may include the following:

- Comparison of the contractor's proposed firm fixed unit rates/price to other contractor's proposed firm fixed unit rates/price.
- Comparison of the contractor's proposed total price to other contractor's total proposed price.
- Comparison of the proposed firm fixed unit rates/price and total price with independent government cost estimates.

The price realism analysis will be utilized to determine if the proposed firm fixed unit rates/prices and total proposed price are realistic and consistent with the Technical and Management Proposal with regard to the nature, scope and duration of the work to be performed. The price realism analysis may include an analysis of the individual cost elements and disposal tons used to develop the proposed firm fixed unit rates/prices and proposed total price to determine if the proposed fixed unit rate/price and the proposed total price is significantly over or understated. Inconsistencies between the Cost/Price Proposal and other portions of the proposal could raise concerns regarding the contractor's understanding of the requirements and ability to perform the work for the proposed unit rate/price and the proposed total price.

An unreasonable, unrealistic or incomplete Cost/Price Proposal may be evidence of the contractor's lack of, or poor understanding of, the requirements of the PWS and thus may adversely affect the rating of the contractor's Technical and Management Proposal.

To determine total price for CLINs 0003, 0004, and 0005 the proposed firm fixed unit rates will be multiplied by the estimated placed and compacted tons by fiscal

year for CLIN 0003 and by total estimated quantity for CLINs 0004 and 0005. In the event of a conflict between the proposed firm fixed unit rates/prices and the total proposed price specified by the contractor, the proposed firm fixed unit rates/prices and the estimated quantities will be used to determine the total proposed price. The contractor has the responsibility to fully document its cost proposal and provide clear traceability to the PWS.

Confirmed